

STATE HOUSING APPEALS BOARD

44 Washington Street

Providence, Rhode Island 02903

Phone (401) 457-1214

Fax (401) 457-1140

kmaxwell@rihousing.com

Minutes of the July 9, 2007 Board Meeting

The State Housing Appeals Board (“SHAB” or the “Board”) held a public meeting on July 9, 2007 at Warwick City Hall.

ATTENDANCE

The following Board members attended the meeting: Mary Shekarchi, Esq, Chair, Donald Goodrich, Cynthia Fagan, Charles Maynard. Steven M. Richard, legal counsel to the Board, was also present. William White, M. Theresa Santos, Steve Ostiguy and Cynthia Fagan were not present. Chairwoman Shekarchi called the meeting to order at 2:42 p.m.

Mr. William Landry, Esq. – Counsel for developer Clarks Falls Realty

Ms. Patricia Buckley, Esq. – Counsel for the Town of Hopkinton

Ms. Debra Johnson-Collins, Esq. – Counsel for Abutters

Mr. Raymond Trebisacci, Esq. – Counsel for abutter Douglas York

AGENDA ITEMS

1. Approval of Minutes of SHAB's September 14, 2006 Meeting

Mr. Goodrich moved to accept the minutes of the September 14, 2006 meeting. Mr. Maynard seconded.

Motion passed unanimously.

2. Approval of Minutes of SHAB's January 26, 2007 Meeting

Since Chairwoman Shekarchi recused herself from the Sedona vs. Smithfield appeal, a vote on approval of these minutes could not take place due to lack of a quorum. They will be held for the next SHAB meeting.

3. Docket Update by SHAB's Legal Counsel

Mr. Richard provided an update on SHAB matters that had been appealed to the Supreme Court under the prior law and Superior Court under 2006 changes made to the Low and Moderate Income Housing Act.

4. Review and Approval of Revised SHAB Regulations

Mr. Richard noted that Rhode Island Housing had posted the regulations for public review and comment under the requirements of the Administrative Procedures Act and that no comments had been received.

Mr. Goodrich moved to approve the revised Regulations. Mr. Maynard seconded.

Motion passed unanimously.

5. Motion to Intervene by Citizens for Responsible Development – Clarks Falls vs. town of Hopkinton, SHAB Appeal No. 2006-2

Ms. Debra Johnson-Collins, Esq. represented Citizens for Responsible Development. Mr. Richard noted for the record that one of the movants, Mr. Douglas York, had retained his own counsel, Mr. Raymond Trebisacci, Esq. Mr. Trebisacci indicated he would like to be apprised of matters related to the Motion to Intervene in the Clarks Falls appeal before SHAB but did not want to be included in the briefing schedule.

The Board questioned Ms. Johnson-Collins and established that the abutters disagreed with the town's decision to allow some but not all of the housing units sought by Clarks Falls Realty. Counsel further

asserted that the abutters should be involved in any attempts to resolve the appeal.

Attorney Terbisacci, representing abutter Douglas York, concurred with Ms. Johnson-Collins that the abutters should be involved in any attempt at resolution between the town and the developer.

Developer's counsel, Mr. William Landry, argued that the concerns of the abutters had been adequately registered in the lengthy records of the local hearings.

Counsel for the abutters countered that the abutters did not agree with the reasoning in the town's decision and further, believed that the town's decision would cause injury to their property.

Mr. Landry contended that the record would reveal that the developer addressed the concerns of abutters during local review. He argued that the reduced density granted in the town's decision reflected the concerns presented by abutters.

The Board inquired whether the Citizens for Responsible Development were composed only of direct abutters and those within the legal notice area. The names of the members of the Citizens for Responsible Development, as they appeared on a letter sent to the SHAB by Attorney William Harsch on November 27, 2006 were read into the record.

Mr. Goodrich moved to allow the abutters to intervene with the condition that they adhere to the briefing schedule set by SHAB and that they act and maintain one voice.

Mr. Maynard seconded.

The motion passed unanimously.

Mr. Richard agreed to write an order reflecting the deliberations of the Board and circulate it to SHAB members for their review and revisions.

A briefing schedule for developer, town and abutters was set. Mr. Landry's brief was expected mid July. The town and the developers were permitted 45 days to file their briefs. An additional 15 days were allowed for the developer to file a reply brief. Parties were instructed to seek agreement on minor adjustments to the schedule if needed but were informed that the SHAB wished to hear the case by October.

ADJOURNMENT

A motion to adjourn passed unanimously and the meeting ended at 3:40 PM.

Respectfully submitted,

Mary Shekarchi, Esq.

Chair